

Wetlands Bureau Decision Report

Decisions Taken
11/21/2005 to 11/27/2005

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2005-00817 500 NORTH ROAD REALTY TRUST LLC
EPSOM Unnamed Wetland

Requested Action:

Dredge and fill a total of 38,125 sq. ft. of palustrine forested wetlands over a total of 11 locations to construct roadway crossings for a 37-lot subdivision on 122 acres, including the following: wetlands impact #1: 1,400 sq. ft. crossing fill; wetland impact #2: 2,000 sq. ft. crossing fill; wetland impact #3: 4,860 sq. ft. and installation of a 36" x 64' culvert; wetland impact #4: 7,770 sq. ft. and installation of a 10' x 4' x 80' box culvert with natural bottom; wetland impact #5: 9,855 sq. ft. and installation of a 36" x 82' culvert, and installation of a second 36" x 96' culvert; wetland impact #6: 5,245 sq. ft. and installation of a 15" x 55' culvert; wetland impact #7: 175 sq. ft. shoulder fill; wetland #8: 550 sq. ft. bridge abutments; wetland impact #9: 1,650 sq. ft. crossing fill; wetland impact #10: 1,820 sq. ft. and installation of a 15" 58' culvert; wetland impact #11: 2,800 sq. ft. and installation of a 48" x 110' culvert.

Approve as mitigation a conservaton easement on 15.56 acres (5.03 upland and 10.53 wetland) associated with the Little Bear Brook on the property to be held by the Town of Epsom Conservation Commission.

Conservation Commission/Staff Comments:

Conservation Commission comments have been incorporated into design; is willing to hold mitigation conservation easement.

Inspection Date: 09/13/2005 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 38,125 sq. ft. of palustrine forested wetlands over a total of 11 locations to construct roadway crossings for a 37-lot subdivision on 122 acres, including the following: wetlands impact #1: 1,400 sq. ft. crossing fill; wetland impact #2: 2,000 sq. ft. crossing fill; wetland impact #3: 4,860 sq. ft. and installation of a 36" x 64' culvert; wetland impact #4: 7,770 sq. ft. and installation of a 10' x 4' x 80' box culvert with natural bottom; wetland impact #5: 9,855 sq. ft. and installation of a 36" x 82' culvert, and installation of a second 36" x 96' culvert; wetland impact #6: 5,245 sq. ft. and installation of a 15" x 55' culvert; wetland impact #7: 175 sq. ft. shoulder fill; wetland #8: 550 sq. ft. bridge abutments; wetland impact #9: 1,650 sq. ft. crossing fill; wetland impact #10: 1,820 sq. ft. and installation of a 15" 58' culvert; wetland impact #11: 2,800 sq. ft. and installation of a 48" x 110' culvert.

Approve as mitigation a conservation easement on 15.56 acres (5.03 upland and 10.53 wetland) associated with the Little Bear Brook on the property to be held by the Town of Epsom Conservation Commission.

With Conditions:

1. All work shall be in accordance with revised plans by Eric Mitchell and Associates, Inc. dated 9/27/2005, as received by the Department on 10/31/2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Record conservation easement plan by Eric Mitchell and Associates Inc., entitled "Conservation Easement Plat, Tax Map R-15, Lots 4, 4-12, & 4-34, North Road, Epsom, NH for Graystone Builders" dated 7/29/2005, for each appropriate lot within 10 days from receipt of this decision and submit a certified receipt from the Merrimack County Registry of Deeds to the DES Wetlands Bureau.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands

permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

13. Silt fencing must be removed once the area is stabilized.

14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

15. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

16. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

17. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

18. Temporary cofferdams shall be entirely removed immediately following construction.

19. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

20. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

21. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

22. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

23. Proper headwalls shall be constructed within seven days of culvert installation.

24. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

26. Work shall be done during low flow.

Wetland preservation:

1. This permit is contingent upon the execution of a conservation easement on 15.53 acres as depicted on plans by Eric Mitchell and Associates Inc., entitled "Conservation Easement Plat, Tax Map R-15, Lots 4, 4-12, & 4-34, North Road, Epsom, NH for Graystone Builders" dated 7/29/2005, received 8/3/2005, to be held by the Town of Epsom, with stewardship by the Epsom Conservation Commission.

2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.

3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.

4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

6. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of non-tidal wetlands, surface waters and adjacent banks in excess of 20,000 square feet; and per Rule Wt 303.02(i), projects that alter or disturb more than 200 linear feet of an intermittent or perennial stream or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. It is necessary to cross wetlands to reach buildable uplands throughout this property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The project has confined the wetland crossings to the narrowest locations practicable given the steep nature and extreme variations of the topography of the site. The impacts are limited to road crossings, with no further impact proposed for driveways or lot development.
4. The applicant has further examined alternatives by providing comparative plan of designs for certain crossings with respect to necessity of culvert installation and the associated increase in impact.
5. The applicant has mitigated for unavoidable impacts in accordance with Chapter Wt 800, and has provided a 15.53 acre (5.03 acres of upland and 10.53 acres of wetlands) conservation easement associated with the Little Bear Brook on the property that exceeds the ratio requirements stated in Wt 803.05 for 38,125 square feet of forested wetlands impact. The Town of Epsom has submitted written verification dated 10/24/2005 as received by DES on 11/03/2005 stating that they are willing to accept the easement and provide stewardship.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The project received a DES Site-Specific permit on 9/16/2005. There were no NHI hits for this project. Concerns expressed by the Epsom Conservation Commission regarding enlarging culverts for wildlife passage have been addressed by the applicant by installing a large, natural bottom box culvert, and a bridge at the more significant crossing locations. Hydrologic connectivity of the wetlands will be maintained by installing culverts in certain locations identified in the culvert analysis where none were previously proposed, and the road was re-aligned to provide protection to a vernal pool identified on-site.
7. DES Staff conducted a field inspection of the proposed project on 9/13/2005. Field inspection observations verified that the crossings could not be further minimized by reasonable engineering practices due to the nature of the site's steep and varied topography, and that the applicant's use of large pipes, box culverts, and a bridge represent positive response to the more significant crossings.
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

MINOR IMPACT PROJECT

2002-01243 HILL HAVEN DEVELOPMENT CORP
MANCHESTER Unnamed Wetland

Requested Action:

Approve name change to: Soutridge Realty Trust, 84 Lake St., Nashua, NH 03060 per request received 8/30/2005.

Conservation Commission/Staff Comments:

Manchester Conservation Commission recommends approval of the project "... contingent upon the agreement made by the applicant that 48.98 acres of land would be placed in a conservation easement."

APPROVE NAME CHANGE:

Dredge and fill a total of 16,053 sq. ft. of palustrine forested/ scrub-shrub wetlands, including an intermittent stream, to construct a roadway, with culvert crossings, to access a 37-lot single family residential subdivision and a 57-unit open space residential development on a 78.82 acre parcel of land of which 48.98 acres will be placed in a conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nordstrom Associates, Inc. dated May, 2002 and January, 2002, as received by the Department on June 04, 2002 and September 26, 2002 (conservation easement area) respectively.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Work shall be done during low flow.

LAND RESOURCE PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement on 48.98 acres as depicted on plans received September 26, 2002.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
4. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
5. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
6. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
7. Signs to indicate the location of and restrictions on the area shall be posted every 100 feet along the boundary of the conservation area prior to construction.
8. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
9. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2003-00517 MONTAGUE, SHERYL
MONROE Unnamed Stream

Requested Action:

Approve name change to: Richard Adam, 788 Hilltop Rd., Littleton NH 03561 per request received 11/21/2005.

APPROVE NAME CHANGE:

Fill approximately 300 square feet within an unnamed perennial stream and install a 72" x 25' culvert to construct a driveway for a single-family residence.

With Conditions:

1. All work shall be done in accordance with revised plans by Sheryl Montague, as received by the Department on 10/27/03.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Work shall be done during periods of low flow or dry conditions.
7. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
8. A Stone apron shall be installed at the culvert outlet to prevent scouring and erosion.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2004-00373 SHATZER, WARREN
WOLFEBORO Lake Wentworth

Requested Action:

Approve name change to: Joel & Joyce Nelson, 37 Blackberry Lane, Wolfeboro NH 03894. per request received 11/02/2005.

Conservation Commission/Staff Comments:

Con. Com. recommends denial of project.

Town inaccurately applied 50% basal area to building envelope.

APPROVE NAME CHANGE:

Install a 6 ft x 30 ft seasonal dock hinged to a 6 ft x 2 ft concrete pad, and excavate 605 sq ft to construct a 24 ft x 30 ft perched beach, utilizing 20 cu yds of sand, surrounded by 84 linear ft of stone wall, and dredge 20 sq ft of lakebed for stone steps accessing the water on an average of 153 ft of frontage on Crescent Lake, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc. dated February 26, 2004, as received by the Department on March 8, 2004.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
5. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning

- seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
 7. Seasonal pier shall be removed from the lake for the non-boating season.
 8. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
 9. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction prior to installation of the dock.
 10. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 534). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
 11. The steps installed for access to the water shall be located completely landward of the normal high water line.
 12. No more than 20 cu yds of sand may be used and all sand shall be located above the normal high water line.
 13. This permit shall be used only once, and does not allow for annual beach replenishment.
 14. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
 15. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
 16. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.02.

2005-00533 HUSSEY, WAYNE
DEERFIELD Unnamed Wetland

Requested Action:

Reconsider and approve dredge and fill of a total of 6,545 square feet of wetlands over two locations for construction of roadway crossings for a 9-lot subdivision on 75 acres, including: wetland impact A: 3,258 square feet and installation of a 18" x 26' culvert; and wetland impact B: 3,287 square feet (260' total linear ft. of channel and bank impacts to perennial stream) and installation of an 2'x 4' x 88' box culvert.

Conservation Commission/Staff Comments:

Con. Com. did not report.

APPROVE RECONSIDERATION:

Reconsider and approve dredge and fill of a total of 6,545 square feet of wetlands over two locations for construction of roadway crossings for a 9-lot subdivision on 75 acres, including: wetland impact A: 3,258 square feet and installation of a 18" x 26' culvert; and wetland impact B: 3,287 square feet (260' total linear ft. of channel and bank impacts to perennial stream) and installation of an 2'x 4' x 88' box culvert.

With Conditions:

1. All work shall be in accordance with revised plans by Robert G. Rook P.E., entitled "Roadway Plan, Browns Mill Subdivision, Mount Delight Rd., Deerfield" dated 5/3/2005, as received by the Department on 9/19/2005; per plans by Robert G. Rook P.E., entitled "Overview Roadway Plan, Browns Mill Subdivision, Mount Delight Rd., Deerfield" sheets 1 & 2, dated dated 10/12/2005, as received by the Department on 10/13/2005; and per plans Robert G. Rook P.E., entitled "Roadway Plan, Browns Mill Subdivision, Mount Delight Rd., Deerfield" sheet 3, depicting access easement to NH Fish and Game Department property, dated 11/15/2005, as received by the Department on 11/17/2005.
2. This permit is contingent on the approval and conditions of the NPDES permit.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau.

5. This permit is contingent upon the transfer of an access easement to the NH Fish and Game Department to provide access to a currently land-locked parcel.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
12. Silt fencing must be removed once the area is stabilized.
13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
15. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
16. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
19. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
21. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
22. Proper headwalls shall be constructed within seven days of culvert installation.
23. The box culvert shall have a naturalized stream bottom.
24. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
25. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
26. Work shall be done during low flow.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(i), alteration of greater than 200 linear feet of perennial stream banks and channels. This project alters a total of 264 linear feet of a perennial stream bank and channel at crossing # 2.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant has demonstrated that it is necessary to cross wetlands at some location to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The wetlands impact of this subdivision is limited to two unavoidable impact areas totalling 6,545 square feet. At the perennial stream crossing the applicant has proposed a box culvert to further minimize impact to the stream.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. This project is classified as major on the basis of cumulative total of bank and channel impacts to a perennial stream at one crossing; otherwise would classified as a minor impact project per Wt 303.03(h), projects that alter less than 20,000 square feet of non-tidal wetlands in the aggregate. The applicant has further mitigated for impacts by providing an access easement across the property to the NH Fish and Game Department to reach a currently landlocked parcel owned by NH Fish and Game Department.
5. With respect to the 7/25/2005 denial the applicant has now provided all the information necessary to support the request, and DES finds that the proposal now represents an approvable project.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem.

2005-00609 BEAUREGARD, JOSEPH & MARY JANE
BEDFORD Unnamed Wetland

Requested Action:

Dredge and fill a total of 8,231 square feet of wetlands to construct 3 roadway crossings including 2,446 square feet of impact to install a 15" x 48' culvert; 3,833 square feet of impact to install a 18" x 44' culvert; 1,416 square feet of impact to install a 4' x 3' x 57' box culvert for crossing of a perennial stream; and impact a further 126 square feet of wetland for shoulder grading, for construction of a 7 lot subdivision on 15.23 acres.

Conservation Commission/Staff Comments:

Conservation Commission recommended approval.

APPROVE PERMIT:

Dredge and fill a total of 8,231 square feet of wetlands to construct 3 roadway crossings including 2,446 square feet of impact to install a 15" x 48' culvert; 3,833 square feet of impact to install a 18" x 44' culvert; 1,416 square feet of impact to install a 4' x 3' x 57' box culvert for crossing of a perennial stream; and impact a further 126 square feet of wetland for shoulder grading, for construction of a 7 lot subdivision on 15.23 acres.

With Conditions:

1. All work shall be in accordance with revised plans by True Engineering dated 10/26/2005, as received by the Department on 11/3/2005. This permit does not include authorization for work within wetlands within the town of Bedford's roadside ownership adjacent to the project.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing

Areas in New Hampshire (August 1992).

13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be properly rip rapped.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet in the aggregate of non-tidal wetlands, and per Administrative Rule Wt 303.03(l), alteration of less than 200 linear feet of intermittent or perennial streams.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. Wetlands must be crossed at some location due to the steep topography of this property and its vicinity to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The crossings have been located at the least impacting locations practicable based on the topography of the site.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. With respect to the species of concern reported by NH Fish and Game Non-game and Endangered Wildlife Program, the wood turtle, the applicant has changed the culvert at the perennial stream crossing from a 36" round culvert to a 4' x 6' box culvert with naturalized bottom, to facilitate species passage.

2005-02121 RAMEY, KRISTINA
ALTON Unnamed Wetland

Requested Action:

Dredge and fill 2189 square feet of palustrine forested wetland including replacement or installation of 3 culverts impacting 75 linear feet of intermittent stream for access to a proposed single family residence.

Conservation Commission/Staff Comments:

The conservation commission recommends approval.

APPROVE PERMIT:

Dredge and fill 2189 square feet of palustrine forested wetland including replacement or installation of 3 culverts impacting 75 linear feet of intermittent stream for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Linden Design Associates dated September 7, 2005, as received by the Department on September 12, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff

Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).

2. The project is necessary to access the buildable uplands on the lot.

3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

4. The proposed driveway is within the footprint of an existing farm road.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Alton Conservation Commission recommends approval of the project.

6. The Conservation Commission has concerns relative to the amount of impacts for a single family residence.

7. This subdivision was approved August 2005 by the Alton Planning Board.

MINIMUM IMPACT PROJECT

2005-01138

FLINT ROCK CORP

HOLLIS Unnamed Wetland

Requested Action:

Dredge and fill 685 square feet of palustrine, forested wetlands to install one (1) 24-inch x 42-foot culvert to construct a common driveway for access to three (3) lots of a 5-lot subdivision.

APPROVE PERMIT:

Dredge and fill 685 square feet of palustrine, forested wetlands to install one (1) 24-inch x 42-foot culvert to construct a common driveway for access to three (3) lots of a 5-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc. dated September 28, 2005 as received by the DES Wetlands Bureau on October 24, 2005.

2. This permit supercedes prior approvals by the DES Wetlands Bureau specifically Permit By Notification file #2005-00495.

3. This permit is contingent on approval by the DES Site Specific Program.

4. This permit is contingent on approval by the DES Subsurface Systems Bureau.

5. This permit shall not be effective until it has been recorded with the County Registry of Deeds by the Permittee and a copy of the registered permit has been received by the DES Wetlands Bureau.

6. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #7 of this approval.

7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

8. Work shall be done during low flow.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized.

10. Silt fence(s) must be removed once the area is stabilized.

11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).

14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. Proper headwalls shall be constructed within seven days of culvert installation.

16. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.

17. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.

18. Faulty equipment shall be repaired prior to entering jurisdictional areas.

19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the construction of a common driveway to access three (3) lots of a 5-lot subdivision. Access to the remaining two (2) lots is being secured through another common driveway that does not require wetlands impacts.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The installation of common driveways to access the lots minimizes wetlands impacts.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed subdivision consists of five (5) buildable lots approximately 14.4 acres in total area of which, approximately 7 acres is open space.

6. This permit supercedes prior approvals by the DES Wetlands Bureau specifically Permit By Notification file #2005-00495.

7. The applicant filed a Permit By Notification with the DES Wetlands Bureau in March 2005 for the subject property. The project proposed 1,428 square feet of wetlands impacts for access. After filing the Permit By Notification, the applicant decided to consolidate two adjacent lots and create a 5-lot subdivision. The lot and driveway layouts were reconfigured and consequently, the driveway and associated wetlands impacts proposed by the Permit By Notification are unnecessary.

8. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.

9. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.

2005-01615 MARINO, STEPHEN
MIDDLETON Sunrise Lake

Requested Action:

Rebuild 50 linear feet of stone and mortar retaining wall along Sunrise Lake with masonry block, with no change in configuration or dimensions.

APPROVE PERMIT:

Rebuild 50 linear feet of stone and mortar retaining wall along Sunrise Lake with masonry block, with no change in configuration or dimensions.

With Conditions:

1. All work shall be in accordance with revised plans by Groover Septic Design dated 11/18/2005, as received by the Department on 11/18/2005.
2. Repair shall maintain existing size, location and configuration.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Work shall be done during drawdown.
6. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(c), repair or replacement of existing retaining walls performed in the dry with no change in height length or configuration; and per Wt 303.04(m) projects that disturb less than 50 linear feet of shoreline of a lake or pond.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The existing wall is deteriorated and in need of repair or replacement.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant has revised his plans to confine the work to the area of shoreline which has a clearly constructed wall, and has eliminated the proposal to replace loose shoreline rocks with a constructed wall.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. The project will occur during drawdown.

2005-02037 HONKALA, SCOTT
NEW IPSWICH Unnamed Wetland

Requested Action:

Dredge and fill 2,000 square feet of wet meadow to construct an access road, and 900 square feet of pond and associated wetland to install a dry hydrant, for a 14-lot residential cluster subdivision of which, one (1) lot is open space.

Conservation Commission/Staff Comments:

The Conservation Commission took no exception to the plans for the wetland crossing and favorably noted the applicant's plan to cluster the lots.

APPROVE PERMIT:

Dredge and fill 2,000 square feet of wet meadow to construct an access road, and 900 square feet of pond and associated wetland to install a dry hydrant, for a 14-lot residential cluster subdivision of which, one (1) lot is open space.

With Conditions:

1. All work shall be in accordance with plans by Rogers Engineering Solutions dated August 19, 2005, as received by the DES Wetlands Bureau on August 30, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the County Registry of Deeds by the Permittee and a copy of the

registered permit has been received by the DES Wetlands Bureau.

5. The deed which accompanies the sales transaction of each lot in this subdivision shall contain condition #6 of this approval.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
7. Orange construction fencing shall be placed at the limits of construction adjacent to each wetland impact area to prevent accidental encroachment on wetlands.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Dredged material shall be dewatered in sedimentation basins located outside of the jurisdiction of the DES Wetlands Bureau. The dewatering area should be lined with siltation and erosion controls to prevent runoff from entering jurisdictional areas.
10. Work shall be done during low flow.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
14. Silt fence(s) must be removed once the area is stabilized.
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the construction of an access road and installation of a dry hydrant for a 14-lot residential cluster subdivision.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The subdivision was configured to minimize wetlands impacts.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed subdivision consists of one (1) developed lot 3.00 acres in area, 12 new buildable lots 8.17 acres in total area, and one (1) open space lot 14.51 acres in total area.
6. The project will impact wet meadow and an existing pond and associated wetlands that drain to Pratt Pond Brook.
7. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.
8. This permit is contingent on approval by the DES Site Specific Program and DES Subsurface Systems Bureau.

2005-02070 TYCO INTERGRATED CABLE SYSTEMS INC
NEWINGTON Unnamed Wetland

Requested Action:

Dredge and fill 2,839 square feet of isolated wetlands for lot development of a commercial property.

Conservation Commission/Staff Comments:
Conservation Commission does not object.

APPROVE PERMIT:

Dredge and fill 2,839 square feet of isolated wetlands for lot development of a commercial property.

With Conditions:

1. All work shall be in accordance with plans by Shattuck Way Associates LLC dated 9/1/2005, as received by the Department on 9/2/2005.
2. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The wetland is located in an unavoidable location on a commercial lot in a developed commercial area.
 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. This wetland is vegetated with purple loosestrife and has marginal function, primarily stormwater management, which will be replaced by site stormwater engineering.
 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- Even if the site was developed around this wetland, it would be so isolated as to have essentially no function left.

2005-02456 WINDRICK, PETER
CHESTERFIELD Hubbard Brook

Requested Action:

Confirm emergency authorization to remove fallen trees from across Catsbane Brook.

CONFIRM EMERGENCY AUTHORIZATION:

Remove fallen trees from across Catsbane Brook.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as Minimum impact project per Rule Wt 303.04(o); Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The project was necessary to remove the fallen trees to maintain the flow within the main channel.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 14, 2005.
4. Review of the photographs submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

EXPEDITED MINIMUM

2005-02510 HUCKINS, ROLAND
TILTON Unnamed Wetland

Requested Action:

Dredge and fill 310 square feet of palustrine forested wetland for access in the subdivision of approximately 50 acres into one 10 acre lot and one remaining parcel.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.

APPROVE PERMIT:

Dredge and fill 310 square feet of palustrine forested wetland for access in the subdivision of approximately 50 acres into one 10 acre lot and one remaining parcel.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated January 5, 2005, and revised through September 13, 2005, as received by the Department on October 19, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the new 10 acre lot.
5. The deed which accompanies the sales transaction for the new 10 acre lot in this subdivision shall contain condition #4 of this approval.
6. Prior to conducting any work on the remianing 38 acre parcel the property owner shall have the entire lot delineated by a Certified Wetland Scientist.
- 7, The deed which accompanies the sales transaction for the remaining 38 acre lot in this subdivision shall contain condition #6 of this approval.
8. Any future work on the 38 acre lot that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f); Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The conservation commission has no objections to the proposed project.
6. The applicant has agreed to conditions 3, 6, and 7 per phone conversation dated November 22, 2005.

2005-02608 BORIS, EVAN
TUFTONBORO Lake Winnepesaukee

Requested Action:

Replace existing 6 ft x 30 ft piling pier with a 6 ft x 30 ft seasonal pier in the same location on 600 ft of frontage on Squirrel Island, Lake Winnepesaukee.

APPROVE PERMIT:

Replace existing 6 ft x 30 ft piling pier with a 6 ft x 30 ft seasonal pier in the same location on 600 ft of frontage on Squirrel Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Evan J. Boris, as received by the Department on October 31, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Removed existing dock material shall be placed outside of the jurisdiction of the DES Wetlands Bureau and not placed in deeper water.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake 4 months during the non-boating season.
6. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation 504.32.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that the "existing structure" was not previously permitted or grandfathered.
8. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a seasonal pier of no more than 2 slips.
2. The need for the proposed impacts has been demonstrated by the applicant within photos received October 31, 2005 per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

5. The replacement of a permanent piling pier with a seasonal pier within the same footprint and location is more environmentally beneficial.

SHORELAND VARIANCE / WAIV

2005-01759 ALCUSKY, WILLIAM & CAROL
GILFORD Lake Winnepesaukee

Requested Action:

Increase the nonconforming primary structure's setback from 12 ft to 20 ft from the reference line, increase the ridgeline height from 11.4 ft to 16.9 ft, and increase the nonconforming primary structures footprint from 470 sq ft to 553 sq ft.

Inspection Date: 09/26/2005 by Heather S Dionne

APPROVE CSPA WAIVER:

Increase the nonconforming primary structure's setback from 12 ft to 20 ft from the reference line, increase the ridgeline height from 11.4 ft to 16.9 ft, and increase the nonconforming primary structures footprint from 470 sq ft to 553 sq ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on July 13, 2005
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Construction of a walk-out basement shall be prohibited.
4. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
5. Frontage vegetation shall be maintained for the pupose of erosion control.
6. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
7. This approval does not allow lakeward expansion of the primary structure.
8. No open deck or porch constructed shall extend more than 12 ft towards the reference line.
9. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
11. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
12. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Winnepesaukee and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The applicant has proposed to increase the nonconforming primary building setback from 12 ft to 20 ft and therefore meets the

requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

ROADWAY MAINTENANCE NOTIF

2005-02762 NH DEPT OF TRANSPORTATION
MILFORD Unnamed Wetland

COMPLETE NOTIFICATION:
Clean out ditch at 101 off ramp to Rte 13 Milford